

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Nobuo KIKUCHI, et al.

SERIAL NUMBER: 09/807,951

FILED: 25 April 2001

FOR: CDMA MOBILE COMMUNICATION STATION, CDMA MOBILE
COMMUNICATION SYSTEM, AND CDMA PACKET TRANSMISSION METHODRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTSASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Sir:

Responsive to the notification dated *31 May 2001*, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a copy of the date-stamped filing receipt evidencing the filing of a Rule 63 Declaration as well as a copy of the Declaration.

The required surcharge was paid at the time of filing the application.

Applicants wish to point out that the Declaration was filed on May 22, 2001 under serial number 09/807,551 since applicant's original date-stamped filing receipt indicated a preliminary serial number of 09/807,551. However, subsequent correspondence from the Patent Office has indicated a different serial number of 09/807,951.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

**22850**

(703) 413-3000

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P. C.Marvin J. Spivak
Registration No. 24,913
Surinder Sachar
Registration No. 34,423

O.S.&M. File No. 205654US2PCT By MJS/cs FF

Due Date ASAP

Serial No. 09/807,551

In the Matter of the Application of Nobuo KIKUCHI, et al.

For CDMA MOBILE COMMUNICATION STATION, CDMA MOBILE COMMUNICATION SYSTEM, AND CDMA PACKET TRANSMISSION METHOD

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ ___ pps. Specification & ___ Claims (English Translation)
- ☒ Combined Declaration, Petition & Power of Attorney (3 pages)
- ☒ Submission of Declaration under 37 CFR 1.494
- ☒ PCT Transmittal Letter
- ☐ Verified Statement (Declaration) Claiming Small Entity Status
- ☐ Submission of Verified Statement (Declaration) Claiming Small Entity Status
- ☐ Check for \$ _____; ☒ Dep. Acct. Order Form
- ☐ Declaration of _____
- ☐ Assignment _____ pages/PTO-1595
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings ___ sheets
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement; ☐ PTO-1449
- ☐ Cited References ()
- ☐ _____ Search Report
- ☐ Statement of Relevancy
- ☐ Restriction Response ☐ Election Response
- ☐ Rule 132 Declaration
- ☐ Petition
- ☐ Notice of Appeal

COPY

Rec'd PCT/PTO 22 MAY 2001
Date Rec'd



UNITED STATES PATENT AND TRADEMARK OFFICE

URGENTCommissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/807951	KIKUCHI	205654US2PCT
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT FOURTH FLOOR 1755 JEFFERSON DAVIS HIGHWAY ARLINGTON, VA 22202		INTERNATIONAL APPLICATION NO. PCT/JP00/04681
		I.A. FILING DATE 13 JUL 00
		PRIORITY DATE 26 AUG 99

Resp. to Notice 7-31-01

DATE MAILED:

31 MAY 2001**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☒ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):
- | | |
|---|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | | |
|--|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. | |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). | |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. | |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). | |
4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Paulette Kidwell, Paralegal
Telephone: 703-305-3656

FORM PCT/DO/EO/905 (March 2001)

RECEIVED

JUN 04 2001

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.**BEST AVAILABLE COPY**